

**SUPREME COURT OF THE STATE OF NEW  
YORK COUNTY OF BRONX**

Index No.: \_\_\_\_\_/19

-----X  
**JANE DOE,**

**Plaintiff,**

**-against -**

**THE CITY OF NEW YORK, and DEPARTMENT  
OF EDUCATION FOR THE CITY OF NEW  
YORK, and MICHAEL FRIEDMAN,**

**Defendants.**  
-----X

**Plaintiff designates  
BRONX COUNTY  
as place of trial.**

**The basis of venue is  
Plaintiff's residence address**

**SUMMONS**

**Plaintiff resides in Bronx  
County**

To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: \_\_\_\_\_



Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:

**THE CITY OF NEW YORK**  
**100 Church Street**  
**New York, NY 10007**

**DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**  
**345 E 15th St,**  
**New York, NY 10003**

**MICHAEL FRIEDMAN**  
**200 8th Ave Apt 1**  
**Brooklyn, NY 11215**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

\_\_\_\_\_/19

-----X  
JANE DOE,

Plaintiff,

-against -

**VERIFIED  
COMPLAINT**THE CITY OF NEW YORK, DEPARTMENT OF  
EDUCATION FOR THE CITY OF NEW YORK, and  
MICHAEL FRIEDMAN,

Defendants.

-----X  
Plaintiff,<sup>1</sup> above named, complaining of the defendants, by MERSON LAW, PLLC.,  
respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff, Jane Doe, who was sexually abused by Michael Friedman at and of Public School 101 ("P.S. 101"), City of New York ("the City") and The Department of Education of the City of New York ("DOE").
2. At all times herein mentioned Ms. Doe attended the Bridge School, which was a division of P.S. 101 where Mr. Friedman was her teacher and was the director of the school.
3. Mr. Friedman was known among the community and the children as a sexual predator.
4. Despite the City and the DOE's knowledge that Mr. Friedman sexually abused minor aged students and/or had the propensity to sexually abuse minor aged students, the City and the DOE allowed and/or encouraged Mr. Friedman unfettered access to its minor aged students.

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<sup>1</sup> Plaintiff uses a pseudonym because she is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

5. Mr. Friedman pled guilty on or about March 17, 1993 to sexually abusing two other students and during that time it was revealed that Mr. Friedman had sexually abused at least 10 other former students.
6. Throughout the abuse, Mr. Friedman would pull Ms. Doe out of class, take her to another room and digitally penetrate her at least once or twice a week for the entire duration Ms. Doe was a student of P.S. 101.
7. The City and/or the DOE knew of or should have known of the long-term abuse that Ms. Doe was suffering at the hands of its teacher and administrator, Mr. Friedman on school premises.
8. The abuse was open and obvious and known by many students, teachers, staff and administrators yet nothing was done to stop it.
9. Ms. Doe brings this lawsuit to recover for the emotional and physical suffering she incurred because of the negligence of the City and the DOE and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

#### PARTIES

10. At all times herein mentioned defendant **CITY OF NEW YORK** was a public, municipal corporation organized and authorized to do business under the laws of the State of New York.
11. At all times herein mentioned defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** was a public, municipal corporation organized and authorized to do business under the laws of the State of New York.
12. At all times herein mentioned, P.S. 101 and/or the Bridge School was located at 141 E. 111<sup>th</sup> Street, New York, New York 10029.

13. At all times herein mentioned, P.S. 101 and/or the Bridge School operated under the exclusive direction and control of defendants **THE CITY OF NEW YORK** and **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**.
14. At all times herein mentioned, defendant **MICHAEL FRIEDMAN** was a teacher and/or administrator at P.S. 101 operating under the direction and control of defendants **THE CITY OF NEW YORK** and **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**, and its agents, servants and/or employees.
15. At all times herein mentioned, defendant **MICHAEL FRIEDMAN** was an agent, servant and/or employee of defendants **THE CITY OF NEW YORK** and **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**.
16. At all times herein mentioned, **THE CITY OF NEW YORK** and **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** were agents, servants and/or alter egos of each other.

#### **FACTS OF THE CASE**

17. Defendant **THE CITY OF NEW YORK** and **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**'s negligence and recklessness caused Mr. Friedman to be able to continuously sexually abuse Ms. Doe, a teenaged student, and other students.
18. From approximately 1972 and continuing until approximately 1973, Mr. Friedman sexually abused Ms. Doe on the premises of P.S. 101, located at 141 e. 111<sup>th</sup> Street, New York, New York 10029.
19. During the abuse, Mr. Friedman digitally penetrated Ms. Doe's vagina at least once a week and otherwise sexually abused her.
20. Upon information and belief, Mr. Friedman sexually abused other students.

21. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant's negligence in undertaking a duty, including, but not limited to, in loco parentis to keep its students safe from predators and failing to act in accord with that duty by allowing Mr. Friedman, to continue his role where he had the access and the means to prey on young girls like Ms. Doe.

**AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO THE CITY OF NEW YORK**

22. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 21. inclusive, with the same force and effect as if hereinafter set forth at length.
23. At all times mentioned herein, defendant **THE CITY OF NEW YORK** owed a duty of care in loco parentis to keep the students in its school safe from sexual abuse by its teachers under its supervision and control that ultimately befell the Plaintiff.
24. At all times herein mentioned, defendant **THE CITY OF NEW YORK** owed a duty of care to properly supervise its teachers to ensure that its students were not being abused by teachers on its campus.
25. At all times mentioned herein, defendant **THE CITY OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
26. As a result of the negligence of defendant **THE CITY OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

27. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
28. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
29. The Notice of Claim provisions of General Municipal Law § 50-e and 50-i are inapplicable to the within action.
30. Because the Notice of Claim provisions are inapplicable to the within action, the condition precedent for General Municipal Law need not be met.
31. This action has been timely commenced as against **THE CITY OF NEW YORK**, pursuant to the Child Victims Act and CPLR §208(b).
32. Plaintiff has complied with all of the statutory conditions precedent to the commencement of this action.
33. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
34. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**

35. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 34. inclusive, with the same force and effect as if hereinafter set forth at length.
36. At all times mentioned herein, defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** owed a duty of care in loco parentis to keep the students in its school safe from sexual abuse by its teachers under its supervision and control that ultimately befell the Plaintiff.

37. At all times herein mentioned, defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** owed a duty of care to properly supervise its teachers to ensure that its students were not being abused by teachers on its campus.
38. At all times mentioned herein, defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
39. As a result of the negligence of defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS TO THE CITY OF NEW YORK**

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43, inclusive, with the same force and effect as if hereinafter set forth at length.
45. Defendant **THE CITY OF NEW YORK**, had a duty to supervise and prevent known risks of harm to its students.
46. Defendant was negligent in hiring, retaining and supervising **MICHAEL FRIEDMAN** and other school officials, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of school officials who should have properly been supervising the teachers and students to ensure the safety of the students.
47. Defendant **THE CITY OF NEW YORK** knew or should have known that **MICHAEL FRIEDMAN** sexually assaulted plaintiff and/or had the capacity and/or propensity to do so.
48. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS TO DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 52., inclusive, with the same force and effect as if hereinafter set forth at length.
54. Defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**, had a duty to supervise and prevent known risks of harm to its students.
55. Defendant was negligent in hiring, retaining and supervising **MICHAEL FRIEDMAN** and other school officials, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of school officials who should have properly been supervising the teachers and students to ensure the safety of the students.
56. Defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** knew or should have known that **MICHAEL FRIEDMAN** sexually assaulted plaintiff and/or had the capacity and/or propensity to do so.
57. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
58. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
59. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.

60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

61. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF**

**EMOTIONAL DISTRESS**

**AS TO THE CITY OF NEW YORK**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if herein set forth at length.

63. Defendant **THE CITY OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mr. Friedman, the teacher who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

64. Defendant **THE CITY OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mr. Friedman.

66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Mr. Friedman sexually abusing Plaintiff.

67. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

68. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
69. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
70. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

**AS TO DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK**

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 70., inclusive, with the same force and effect as if herein set forth at length.
72. Defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mr. Friedman, the teacher who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant **DEPARTMENT OF EDUCATION FOR THE CITY OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
74. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mr. Friedman.

75. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Mr. Friedman sexually abusing Plaintiff.
76. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
77. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
79. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR A SEVENTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION**

**OF EMOTIONAL DISTRESS**

**AS TO MICHAEL FRIEDMAN**

80. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 79., inclusive, with the same force and effect as if hereafter set forth at length.
81. Defendant **MICHAEL FRIEDMAN** engaged in outrageous conduct towards plaintiff, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by sexually assaulting her at the age of eleven at school.
82. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, she has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.

83. Defendant **MICHAEL FRIEDMAN** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff **JANE DOE**, from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
84. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
85. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE EIGHTH CAUSE OF ACTION FOR ASSAULT**

**AS TO MICHAEL FRIEDMAN**

86. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 85., inclusive, with the same force and effect as if herein set forth at length.
87. Defendant **MICHAEL FRIEDMAN's** predatory, abusive, manipulative and unlawful acts against Ms. Doe, created a reasonable apprehension in Ms. Doe of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant **MICHAEL FRIEDMAN** to plaintiff without plaintiff's consent.
88. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.
89. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in effort to cure herself of her injuries and

to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

90. By reason of the foregoing, plaintiff **JANE DOE** is entitled to compensatory damages from defendant **MICHAEL FRIEDMAN** in such sums a jury would find fair, just and adequate, and the plaintiff, Ms. Doe, is further entitled to punitive and exemplary damages from defendant **MICHAEL FRIEDMAN** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
91. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
92. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE NINTH CAUSE OF ACTION FOR BATTERY**

**AS TO MICHAEL FRIEDMAN**

93. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 92., inclusive, with the same force and effect as if herein set forth at length.
94. When Ms. Doe was approximately 9 years old, defendant **MICHAEL FRIEDMAN** confined Ms. Doe to a classroom and unlawfully sexually abused her by digitally penetrating Ms. Doe.
95. Defendant **MICHAEL FRIEDMAN's** unlawful, abusive, manipulative, and predatory acts against Ms. Doe, amounted to a series of harmful and offensive contacts to plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

96. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, psychological injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
97. By reason of the foregoing, plaintiff **JANE DOE** is entitled to compensatory damages from defendant **MICHAEL FRIEDMAN** in such sums a jury would find fair, just and adequate, and the plaintiff, Ms. Doe, is further entitled to punitive and exemplary damages from defendant **MICHAEL FRIEDMAN** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
98. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
99. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiffs demand judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Sarah R. Cantos  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
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(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

\_\_\_\_\_/19

-----X  
JANE DOE,*Plaintiff,*

-against -

**ATTORNEY  
VERIFICATION**THE CITY OF NEW YORK, DEPARTMENT OF  
EDUCATION FOR THE CITY OF NEW YORK, and  
MICHAEL FRIEDMAN,*Defendants.*-----X  
  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019\_\_\_\_\_  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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JANE DOE,

*Plaintiff,*

*- against -*

THE CITY OF NEW YORK, DEPARTMENT OF  
EDUCATION FOR THE CITY OF NEW YORK, and  
MICHAEL FRIEDMAN,

*Defendant(s),*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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